

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
MAY 27 and 28, 2008**

FIRST AMENDED

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on May 27 and 28, 2008.

TUESDAY, MAY 27, 2008—1:30 P.M.

- | | | |
|-----|---------|--|
| (1) | S148029 | People v. Lenix (Arthur) |
| (2) | S148536 | People v. Segura (Luis) |
| (3) | S033360 | People v. Wallace (Keone) [Automatic Appeal] |

WEDNESDAY, MAY 28, 2008—9:00 A.M.

- | | | |
|-----|---------|---|
| (4) | S142892 | North Coast Women's Care Med. Group et al. v. Superior Court of San Diego County (Guadalupe T. Benitez, Real Party in Interest) |
| (5) | S148712 | Barsamyan v. Appellate Division of the Superior Court of Los Angeles County (People, Real Party in Interest) |
| (6) | S145458 | People v. Chance (Kenneth) |

1:30 P.M.

- | | | |
|-----|---------|--|
| (7) | S147848 | Simmons etc., et al. v. Ghaderi |
| (8) | S018637 | People v. Hovarter (Jackie Ray) [Automatic Appeal] |
| (9) | S060803 | People v. Mungia (John) [Automatic Appeal] |

GEORGE
Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c) (formerly rule 18(c)).)

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
MAY 27 and 28, 2008**

FIRST AMENDED

The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, MAY 27, 2008—1:30 P.M.

(1) People v. Lenix (Arthur), S148029

#07-08 *People v. Lenix (Arthur)*, S148029. (F048115; nonpublished opinion; Superior Court of Kern County; BF100124B.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Must an appellate court perform a comparative juror analysis for the first time on appeal to evaluate the genuineness of the prosecutor's reasons for peremptorily challenging prospective jurors? (See *People v. Avila* (2006) 38 Cal.4th 491, 546; *People v. Guerra* (2006) 37 Cal.4th 1067, 1106.)

(2) People v. Segura (Luis), S148536

#07-36 *People v. Segura (Luis)*, S148536. (B189791; 144 Cal.App.4th 200; Superior Court of Los Angeles County; KA071474.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case presents the following issues: (1) Did the trial court have the power, over the People's objection, to rewrite and reduce an agreed-upon material term of a plea agreement that imposed a probationary term on defendant? (2) Did the trial court have the power to reduce the one-year term in county jail imposed under the plea agreement after defendant had already served the term?

(3) *People v. Wallace (Keone)*, S033360 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

WEDNESDAY, MAY 28, 2008—9:00 A.M.

(4) *North Coast Women’s Care Med. Group et al. v. Superior Court of San Diego County (Guadalupe T. Benitez, Real Party in Interest)*, S142892

#06-64 North Coast Women’s Care Med. Group et al. v. Superior Court of San Diego County (Guadalupe T. Benitez, Real Party in Interest), S142892. (D045438; 137 Cal.App.4th 781; Superior Court of San Diego County; GIC770165.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case includes the following issue: Does a physician have a constitutional right to refuse on religious grounds to perform a medical procedure for a patient because of the patient’s sexual orientation, or do the provisions of the Unruh Act (Civ. Code, § 51) preclude such discrimination in the provision of services notwithstanding the physician’s religious beliefs?

(5) *Barsamyan v. Appellate Division of the Superior Court of Los Angeles County (People, Real Party in Interest)*, S148712

#07-54 Barsamyan v. Appellate Division of the Superior Court of Los Angeles County (People, Real Party in Interest), S148712. (B188695; 144 Cal.App.4th 602; Superior Court of Los Angeles County; BS099858.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Does a defendant’s consent to continuance of the trial to a date within the 10-day grace period specified in Penal Code section 1382, subdivision (a)(3)(B), restart the 10-day period within which the case must be brought to trial?

(6) *People v. Chance (Kenneth)*, S145458

#06-118 People v. Chance (Kenneth), S145458. (C048825; 141 Cal.App.4th 618; Superior Court of El Dorado County; P03CRF0664.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court limited review to the following issue: Could defendant be convicted

of assault with a firearm on a peace officer when his gun was pointing in the opposite direction from the officer and there was no bullet in the firing chamber, or, on such facts, would a battery not have “immediately” resulted from his conduct and did he lack the “present ability to inflict injury” within the meaning of Penal Code section 240?

1:30 P.M.

(7) Simmons etc., et al. v. Ghaderi, S147848

#06-139 Simmons etc., et al. v. Ghaderi, S147848. (B180735; 143 Cal.App.4th 410; Superior Court of Los Angeles County; BC270780.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: In an action to determine whether a valid oral settlement agreement was formed during mediation, was one party estopped to claim confidentiality for the mediation proceedings (Evid. Code, §§ 1115–1124) because she had voluntarily declared the facts to be true, stipulated that she did not dispute them, submitted evidence of them, and litigated their effect for more than a year?

(8) People v. Hovarter (Jackie Ray), S018637 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

(9) People v. Mungia (John), S060803 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.